



*"Healthy environment, healthy people"*

**Montana Department of  
ENVIRONMENTAL QUALITY**

**Steve Bullock, Governor  
Tracy Stone-Manning, Director**

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To All Interested Parties:

Enclosed you will find two separate rulemaking notices. In one, the Board of Environmental Review (Board) is proposing rulemaking to set numeric standards for nitrogen and phosphorus concentrations in surface waters. The other rulemaking, proposed by the Department of Environmental Quality (Department), defines a process by which the numeric standards may be met over time, which will reduce the economic burden on Montana citizens compared to if compliance with the standards were required immediately. The Montana Legislature divided authority over these different rulemakings between the Board and Department, but intended that these rulemakings proceed simultaneously. For this reason you are being provided the proposed Board and Department rules, together, in the same mailing.

It has been documented that nitrogen and phosphorus compounds rank among the top ten most common types of pollution in Montana's flowing waters. The proposed standards will control the undesirable effects of eutrophication – the enrichment of a waterbody by nitrogen and phosphorus, which leads to increased plant and algal growth and decay – and all the changes to water quality that occur as a result. The proposed standards will protect fish and aquatic life uses and recreation uses from eutrophication impacts. The standards will also aid agricultural and drinking water uses by reducing filamentous algae, which clogs irrigation and water-intake structures in eutrophied streams.

The standards are scientifically derived and peer reviewed. However, because the concentrations are low in relation to typical wastewater treatment technologies of today, the standards will prove difficult for many dischargers to implement using today's technology. To address these concerns, the Department has been working since 2008 with affected stakeholders (municipalities, industries, agriculture, environmental interests, etc.). This outreach created new legislation describing temporary variances, which allow time (up to 20 years) for technologies to advance and alternative effluent and nonpoint source management methods to be considered and implemented. These laws are codified at 75-5-313, MCA. The Department rulemaking implements this variance process.

The Department will hold a public hearing on the proposed variance rule on March 24, 2014, in Room 111 of the Metcalf Building, 1520 E. Sixth Ave., Helena, Montana. The Department hearing will begin at 10:00 a.m. The Board will hold a hearing on the proposed nitrogen and phosphorus standards at 2:00 p.m. on the same day at the same location. An informal question and answer session on both rule packages will be held from 9:00 a.m. to 10:00 a.m. on the same day at the same location. The comment period for each rulemaking runs until April 1, 2014. Information on submitting comments is found in each notice. Please note that the persons designated to receive the comments are different. Comments on the variance rulemaking must be submitted at the first hearing or sent to Carrie Greeley; if provided by E-mail, please use [deqwqpadmin@mt.gov](mailto:deqwqpadmin@mt.gov). Comments on the standards rulemaking must be submitted at the second hearing or sent to Elois Johnson; if provided by E-mail, please use [ejohnson@mt.gov](mailto:ejohnson@mt.gov).

Sincerely,

Eric Urban  
Water Quality Standards Section Supervisor

Enclosures: Standards Rule Notice (Board of Environmental Review) and Circular DEQ-12A  
Variance Rule Notice (Department of Environmental Quality) and Circular DEQ-12B